

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE, AT KNOXVILLE**

UNITED STATES OF AMERICA)	
)	NO. 3:16-CR-81
V.)	
)	CHIEF JUDGE VARLAN
MICHAEL LEE COLE)	

SENTENCING MEMORANDUM

The Defendant, Michael Lee Cole, by and through undersigned counsel, hereby moves this Honorable Court to impose a sentence of 168 months in his case. This recommendation would result in a sentence at the low end of the guideline range calculated by the Presentence Investigation Report. (PSR, ¶ 76). When considering the particularized facts of the case *sub judice*, Mr. Cole submits that such a sentence would be sufficient but not greater than necessary under 18 U.S.C. § 3553(a). In support of this request, Mr. Cole respectfully asserts the following:

MR. COLE’S HISTORY AND CHARACTERISTICS

Mr. Cole is thirty-eight years old. He was born in Maryville, Tennessee. Mr. Cole has lived in East Tennessee throughout his lifetime. He is married and has a fourteen year-old son who currently resides with his grandmother. Mr. Cole understands that his conduct in this matter has created untenable circumstances for the family. He is hopeful that the passage of time will provide an opportunity for these relationships to heal.

Mr. Cole obtained his GED from the Knoxville Board of Education. He has also received training as a mechanic. In terms of employment, he has worked in the area of auto sales and janitorial services. Mr. Cole intends to pursue additional vocational certifications while serving this term of imprisonment. He understands that this felony conviction, especially given

his status as a sex offender, will significantly impede any path to gainful employment. Because of these obstacles, Mr. Cole recognizes that his time in custody must be spent bettering himself in every possible way. He wants nothing more than to be in a good position to support himself and his family.

Mr. Cole has a criminal history score of two. Most of his criminal history relates to drug and theft offenses. This matter represents the first instance of any conduct related to a sex offense. Mr. Cole understands that his conditions of release will include sex offender registry and the standard requirements for sex offenders. He is ready to fulfill all Court-ordered obligations and conditions of release.

In terms of the procedural posture of this matter, Mr. Cole immediately accepted responsibility for violating federal law. He executed a timely plea agreement with the government. Mr. Cole has not created any other issues for the Court or for the government. He has done his best to demonstrate his remorse and acceptance of responsibility by entering a timely plea and not requesting any type of downward variance and/or departure.

Conclusion

For the reasons stated herein, Mr. Cole respectfully submits that a sentence of 168 months would be sufficient but not greater than necessary when examining the statutory purposes envisioned by 18 U.S.C. § 3553(a). He will be subject to strict supervision by a federal probation officer and be required to participate in sex offender treatment. Given these circumstances, and Mr. Cole's history and characteristics, a sentence of this kind is more than adequate under the sentencing statute.

WHEREFORE, Mr. Cole respectfully requests that the Court impose a sentence of 168 months to be followed by a reasonable term of supervised release.

Respectfully submitted this the 22nd day of March, 2017.

s/ Bobby E. Hutson, Jr.
Bobby E. Hutson, Jr. BPR No. 143116
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COUNSEL FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on March 22, 2017, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

s/ Bobby E. Hutson, Jr.

Bobby E. Hutson, Jr.

